

MOTION BY MAYOR MICHAEL D. ANTONOVICH

JANUARY 31, 2006

Reports of illegal grading at several locations in County unincorporated areas suggest that current enforcement penalties are inadequate. These reports, both in terms of the number and the extent of violations, suggest that property-owners are deliberately and flagrantly violating County codes and procedures.

Staff of the Department of Public Works and Regional Planning have discovered what they believe to be illegal grading at 29041 Euclid Avenue Estates in Val Verde, 42505 Ranch Club Road in Lake Hughes, and in Fair Oaks Ranch in unincorporated Santa Clarita. In all three of these cases staff has observed substantial grading that appears to have occurred either without a grading permit or in excess of what is permitted under an approved permit. Staff believes that the property-owners were fully aware of the County's requirement to obtain a permit and only perform work authorized by that permit.

The trend of asking for forgiveness rather than permission demonstrates the need for additional enforcement mechanisms. Potential solutions include increasing civil penalties, the seizing of construction equipment used for illegal grading, or enacting a so-called provision. Under this provision, a property-owner who grades without permits is precluded from securing a grading permit from the County for a defined period of time (perhaps 6 months to a year for the first violation, or for several years if violations continue).

- M O R E -

MOTION

MOLINA _____

BURKE _____

YAROSLAVSKY _____

KNABE _____

ANTONOVICH _____

I, THEREFORE, MOVE that the Directors of the Department of Public Works and the Department of Regional Planning and the County Counsel recommend the necessary code amendments and policy changes for Board of Supervisors approval within 30 days, including:

- In the three cases identified above, imposing the available administrative fines and penalties and issue the appropriate stop-work orders and notices of violation.
- Increasing civil penalties for violations of the County's grading ordinances and policies.
- Requiring applicants to secure a conditional use permit for grading in amounts lower than the current threshold of 100,000 cubic yards.
- Empowering law enforcement to seize construction equipment used in illegal grading operations.
- Enacting a provision whereby a property-owner who grades without permits is precluded from securing a grading permit for a defined period of time.
- Determining administrative procedures for hearings and review of penalties for illegal grading.
- Investigate these and other measures implemented by other jurisdictions that have successfully prevented illegal grading.

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